

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In Re:

Mark Anthony Walters
Barbara Gentry Walters

Case No. 07-80538
Chapter 13

Social Security No.: xxx-xx-3974 and xxx-xx-0286
Address: 468 Lonnie Gentry Court, , Roxboro, NC
27574

Debtors

MOTION FOR AUTHORITY TO SELL REAL PROPERTY

NOW COME the Debtors, by and through the undersigned attorney, pursuant to Sections 1303 and 363 of the Bankruptcy Code, requesting permission to sell real estate, and also requesting approval of an attorney fee, and in support thereof, shows unto the Court as follows:

1. Debtors have filed a petition for relief in bankruptcy under Chapter 13 of the United States Code on April 11, 2007.
2. This motion is being made so that the Debtors may sell at private sale the subject real property.
3. The Debtors are the owners of certain real property (hereinafter referred to as "said property") located in Person County in the State of North Carolina and known as Highway 158, Oxford, and more particularly described as set forth on Exhibit "A" attached herewith.
4. Said property is listed on Schedule A attached to the Petition filed in this case.
5. On June 3, 2010, the Debtors entered into a contract to sell said property for a price of \$22,500.00. Attached as Exhibit B is a copy of the Offer to Purchase and Contract.
6. The sales price represents the fair market value of the property.
7. The proposed sale represents an arms-length transaction between the Debtors and the prospective purchaser(s), namely Jimmy L Thomas & Timothy R. Thomas. The Debtors are not related to the prospective purchaser(s) by blood, marriage or friendship, and have no business connection with the Debtors other than as prospective purchaser(s) of the said property. That the Debtors believe the proposed sale to be in the best interest of the Debtors for the following reason(s):
 - a. The Debtors do not need the property as a place of residence.

8. The proposed sale will not affect the ability of the Debtors to successfully complete the Chapter 13 plan.
9. The proposed sale does not adversely affect the interests of the bankruptcy estate.
10. The Debtors intend to pay the entire net proceeds of the sale over to the Chapter 13 Trustee.
11. That \$450.00 is the reasonable value of the services provided and to be provided by the undersigned attorney for counseling the Debtors concerning the proposed sale, gathering information necessary to draft this application, drafting and processing this motion and the proposed order, interfacing with real estate agents, the purchasers and the closing attorney for the purpose of answering questions and concerns regarding the effect of the bankruptcy on the sale, extra follow-up to make sure that the ensuing order is obtained and transmitted to the closing attorney in a timely fashion to avoid delaying unnecessarily the projected closing of title. It is anticipated, based on many past experiences, that it will take at least 4 hours of attorney time to attend to said details. The also takes into account the **substantial risk** inherent in all real estate sales situations that undersigned attorney will perform these services and not get paid because, for one reason or another, the sale falls through.

WHEREFORE, the Debtors respectfully pray that the Court allow the said sale of the subject real property, approve payment of the attorney fee through the Debtors' Chapter 13 plan, and grant such other and further relief as to this Court seems just and proper.

Dated: July 21, 2010

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s Edward Boltz
Edward Boltz
N.C. State Bar No.:23003
1738-D Hillandale Rd.
Durham, N.C. 27705
(919) 286-1695

(Walters 07-80538 motion to sell real property.wpd rev. May 19, 2010)

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Debtors

CERTIFICATE OF SERVICE

I, Renee Nolte, of the Law Offices of John T. Orcutt, P.C., certify, under penalty of perjury, that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age, and that on July 21, 2010, I served copies of the **Motion for Authority to Sell Real**, electronically or when unable by regular U.S. mail, upon the following parties (names and addresses):

Richard M. Hutson, II
Chapter 13 Trustee
Post Office Box 3613
Durham, NC 27702

James Ramsey
Closing Attorney
25 Abbitt Street
Roxboro, NC 27573-

Michael West
Bankruptcy Administrator
Post Office Box 1828
Greensboro, NC 27402

Jimmy L Thomas & Timothy R. Thomas
Purchaser
8251 Oxford Road
Timberlake, NC 27853-

Mark Anthony Walters
Barbara Gentry Walters
468 Lonnie Gentry Court
Roxboro, North Carolina 27574

All creditors with duly filed claims as indicated on the Trustee's Report of Filed Claims.

/s Renee Nolte
Renee Nolte